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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,299	02/17/2004	Patrick Calahan	BEAS-01330US1	9743
23910 7590 03/31/2008 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER				
TO, BAOQU'OC N				
ART UNIT		PAPER NUMBER		
2162				
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03/31/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,299

**Applicant(s)**

CALAHAN, PATRICK

**Examiner**

BAOQUOC N. TO

**Art Unit**

2162

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 03/12/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 13, 23 and 33 are amended in the amendment filed on 03/12/2008. Claims 1-33 and 35-42 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 13, 23 and 33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 33 and 40-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 33 recites a mean plus function which requires the claim to be interpreted as in the application disclosure. Beside paragraph 0021 which disclosed such as "One embodiment may be implemented using a conventional general purpose or a specialized digital computer or microprocessor(s) programmed according to the teachings of the present disclosure, as will be apparent to those skilled in the computer art. Appropriate software coding can readily be prepared by skilled programmers based on the teachings of the present disclosure, as will be apparent to those skilled in the software art. The invention may also be implemented by the preparation of integrated circuits or by interconnecting an appropriate network of conventional component circuits, as will be readily apparent to

those skilled in the art" which does not explicitly disclose the system using a computer... Therefore, the computer implemented system in claim 33 is program per se or software per se.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-33 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Desai Arpan (December 3-14, 2001) in view of Lok et al. (US. Pub. No. 2004/0028212 A1) and further in view of Wang et al. (US. Patent No. 7,062,507 B2).

As to claim 1, Desai teaches a system implemented using a computer to process XML document, comprising:

a streaming parser operable to parse an XML document to generate a stream of events, wherein each event in the stream represents a portion of the document (the XML) (page 1, line 12);

a matching component to perform the steps of:

accepting an event from the stream of events from the streaming parser at one time (without buffering portions of the XML document) (page 1, lines 25-26);

keeping in memory only said event of the stream of events at any said time (without buffering portions of the XML document) (page 1, lines 25-26);

Desai does not explicitly teach performing a match that is associated with an XQuery method on said event of the stream of events; notifying an observer when the event is a matched event, wherein when the event is not a matched event the observer is not notified; said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the matched event. Lock discloses performing a match that is associated with an XQuery method on said event of the stream of events (The loaded XML documents are parsed and a DOM objects is kept in memory. By doing so, the request/response time can be significantly reduced, resulting in lower response times. On request of configuration data from any CC Portal component, the DOM tree is searched for the requested configuration data. CM uses standard-based XML, query mechanisms (XPath, XQuery) to find the data from the

DOM object. The result is sent as a XML message to the UMR for routing purposes) (col. 6, lines 0087). This suggests the matching using the query mechanism such as XPath or XQuery and DOM is routed to requester. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Desai's system to include the matching using the query mechanism such as XPath or XQuery and DOM is routed to requester as disclosed by Lok in order to allow object to be queried. In addition, Desai does not explicitly disclose notifying an observer when the event is a matched event, wherein when the event is not a matched event the observer is not notified; said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the matched event. However, the claim limitations only require one condition to be satisfy for example said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the match event. On the other hand, Wang discloses one condition to be satisfy for example said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the match event (inserting at least one XML document from a data source into an XML parser; providing a matcher to receive at least one event from the XML parser and to deliver the matched profile ids to the profile and user manager) (col. 3, lines 32-36). This suggests the object is being passed to the user manager. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the Desai and Lok system to include the object is being passed to the user manager as disclosed by Wang in order to reduce memory consumption.

As to claim 2, Desai teaches the system according to claim 1, wherein: the XML document is represented in a hierarchical structure (DOM) (page 1, line 14).

As to claim 3, Desai teaches the system according to claim 2, wherein: the hierarchical structure is a tree with each node containing a portion of the document (DOM) (page 1, line 14).

AS to claim 4, Desai teaches the system according to claim 3, wherein: the streaming parser generates the stream of events by: traversing the XML tree and adding visited nodes into a data structure (DOM) (page 1, line 14);

processing the nodes in the data structure and generating an event for each node (DOM) (page 1, line 14); and

appending the event to the output stream (DOM) (page 1, line 14).

As to claim 5, Desai teaches the system according to claim 4, wherein: the tree is traversed using a breath-first or depth-first search (DOM) (page 1, line 14).

As to claim 6, Desai teaches the system according to claim 4, wherein: the data structure is a queue (DOM) (page 1, line 14).

As to claim 7, Desai teaches the system according to claim 4, wherein: the data structure is processed using a first-in-first-out approach (DOM) (page 1, line 14).

As to claim 8, Desai teaches the system according to claim 1, wherein: the matching component keeps only a portion of the XML document in memory at any given time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 9, Desai teaches the system according to claim 1, wherein: the matching component knows the schema of the XML document and foreseeing the coming events (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 10, Desai teaches the system according to claim 1, wherein: the match is an expression-based match, which can be an XPath query (XPath query) (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 11, Desai teaches the system according to claim 3, wherein: the matching component keeps, clones and destroys the entirety or a portion of the sub-tree descending from a node in the tree (DOM) (page 1, line 14).

As to claim 12, Desai teaches the system according to claim 1, wherein: the user object returns the matched event to an XML stream for use by any other component (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).



As to claim 35, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at said time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 36, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at a different time (without buffering portions of the XML document) (page 1, lines 25-26).

Claim 12 is rejected under the same reason as to claim 1.

Claim 13 is rejected under the same reason as to claim 2.

Claim 14 is rejected under the same reason as to claim 3.

Claim 15 is rejected under the same reason as to claim 4.

Claim 16 is rejected under the same reason as to claim 5.

Claim 17 is rejected under the same reason as to claim 7.

Claim 18 is rejected under the same reason as to claim 9.

Claim 19 is rejected under the same reason as to claim 9.

Claim 20 is rejected under the same reason as to claim 10.

Claim 21 is rejected under the same reason as to claim 11.

Claim 22 is rejected under the same reason as to claim 12.

Claim 37 is rejected under the same reason as to claim 35

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Claim 38 is rejected under the same reason as to claim 36.

Claim 23 is rejected under the same reason as to claim 1.

Claim 24 is rejected under the same reason as to claim 3.

Claim 25 is rejected under the same reason as to claim 4.

Claim 26 is rejected under the same reason as to claim 5.

Claim 27 is rejected under the same reason as to claim 7.

Claim 28 is rejected under the same reason as to claim 8.

Claim 29 is rejected under the same reason as to claim 9.

Claim 30 is rejected under the same reason as to claim 10.

Claim 31 is rejected under the same reason as to claim 11.

Claim 32 is rejected under the same reason as to claim 12.

Claim 39 is rejected under the same reason as to claim 35.

Claim 40 is rejected under the same reason as to claim 36.

Claim 33 is a system which rejected under the same reason as to claim 1.

Claim 41 is rejected under the same reason as to claim 35.

Claim 42 is rejected under the same reason as to claim 36.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162

03/27/2008